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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 8960

Outi HIIRONNIEMI

Art Unit: 2154

Application No.: 10/086,780

Examiner: T. D. Nguyen

Filed: February 28, 2002

Attorney Dkt. No.: 059643.00741

For: METHOD AND SYSTEM FOR DYNAMIC REMAPPING OF PACKETS FOR A ROUTER

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

MAIL STOP: PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

March 4, 2008

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the U.S. Patent & Trademark Office. This application was unintentionally abandoned.

Applicants respectfully petitioned for revival of this application on August 17, 2007 ("the original petition"). The original petition and its accompanying amendment are already of record.

In accordance with the requirements for reviving an unintentionally abandoned application under 37 C.F.R. §1.137(b), Applicants hereby state the following.

- (1) Petition fee of \$1,500 was enclosed with the original petition;
- (2) A reply to the pending final Office Action in the form of an Amendment was enclosed with the original petition; and

(3) The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

A check in the amount of One Thousand Five Hundred Dollars (\$1,500) to cover the above fee was enclosed with the original petition.

In the event that the previously enclosed check was (or is) found to be insufficient, or if any additional fees are due with respect to the filing of this paper, please charge Counsel's Deposit Account Number 50-2222.

On January 4, 2008, the Office of Petitions issued an action denying the original petition. This denial was in error, and the original petition should be granted.

The denial stated that the petition lacked item (2), the required reply. However, the denial acknowledged that an amendment was submitted. The denial incorrectly stated that the amendment submitted with the petition "does not place the application in condition for allowance." The denial did not provide any explanation as to how the amendment failed to place the application in condition for allowance.

The denial, however, did set forth the legal standard according to which the amendment is to be judged, providing four alternative ways by which the amendment may be deemed proper. That the four ways are alternatives can be seen from the fact that items (1) (a Notice of Appeal) and (4) (a Request for Continuing Examination) are mutually exclusive.

In this case, the amendment submitted with the original petition qualifies under the second option: "(2) an amendment that *prima facie* places the application in condition for allowance."

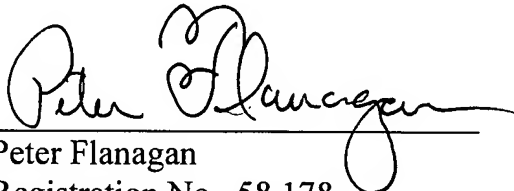
The amendment submitted with the original petition *prima facie* places the application in condition for allowance, because it cancels all of the rejected claims, leaving only allowed claims in the application. As noted in the amendment, claims 1-30 were previously pending, of which claims 1-22 had been allowed, and claims 23-30 had been rejected. Claims 23-30 were rejected without prejudice or disclaimer. Claims 23-30 were cancelled in the amendment. No other amendments were made. Thus, the

amendment *prima facie* places the application in condition for allowance, since it results in only allowed claims remaining pending in the application.

If the amendment submitted with the original petition does not qualify under alternative (2) (not admitted), it cannot be imagined what amendment could possibly qualify under alternative (2). Since the Office of Petitions has, in its decision, acknowledged the validity of alternative (2), and since the Office of Petition has not stated any reason (whatsoever) as to why the amendment does not qualify under alternative (2), it stands to reason that the amendment was proper, and the denial of the petition was improper.

Accordingly, grant of the original petition (or, in the alternative, of this renewed petition) is respectfully requested, and timely issuance of a formal notice of allowance is respectfully requested, as all of the claims pending after the amendment have been allowed. As noted above, the fees for the petition have already been paid. It is not believed that additional fees are due. In the event, however, that that the previously enclosed check was (or is) found to be insufficient, or if any additional fees are due with respect to the filing of this paper, please charge Counsel's Deposit Account Number 50-2222.

Respectfully submitted,


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MAIL STOP PETITION

Patent ☒ Trademark ☐ Docket No. 059643.00741

Serial No. 10/086,780 Filed February 28, 2002

Applicant(s) Outi HIRONNIEMI

Papers filed herewith on August 17, 2007

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| <input checked="" type="checkbox"/> Fees \$ <u>1,500.00; check #16934</u> | <input type="checkbox"/> Assignment w/ PTO-1595 |
| <input type="checkbox"/> New Application (Pages) | <input type="checkbox"/> Declaration |
| <input checked="" type="checkbox"/> Response/Amendment (10 Pages) | <input type="checkbox"/> Priority Document () |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Req. for Ext. of Time (months) |
| <input type="checkbox"/> IDS/PTO-1449 (Refs.) | <input type="checkbox"/> Drawings (Formals - sheets) |
| <input checked="" type="checkbox"/> Other <u>Petition for revival of an Application for Patent Abandoned</u> | |
| <u>Unintentionally Under 37 C.F.R. § 1.137(b)</u> | |

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case.

PCF/geb

COMMISSIONER OF PATENTS

